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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 09/821,271      | 03/29/2001  | Richard L. Maliszewski | 042390.P10448       | 4460             |

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EXAMINER

BROWN, CHRISTOPHER J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2134

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                         |  |
|------------------------------|------------------------|--|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b>     |  |
|                              | 09/821,271             |  | MALISZEWSKI, RICHARD L. |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>         |  |
|                              | Christopher J Brown    |  | 2134                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's arguments filed 11/08/2004 have been fully considered but they are not persuasive.

As per claims 1, and 7 Boccon-Gibod teaches a computer system comprising a compressor/decompressor (codec), [0025]. Boccon-Gibod teaches a codecs use of one or more functions (algorithms) in use with the codec, [0026]. Boccon-Gibod fails to teach an integrity agent that verifies the authenticity of the functions.

Angelo teaches a security system that verifies the authenticity of one or more functions (applications) utilized, (Col 4 lines 40-45).

It would have been obvious to one of ordinary skill in the art to add the verification of Angelo to the use of applications (codec) and functions (algorithms) of Boccon-Gibod because the verification protects resources and guarantees trustworthiness, (Angelo Col 1 lines 20-33).

Angelo teaches a system of vouchers (hashes) that are used and compared to stored values before the execution of the program containing said hash. Thus angelo teaches a voucher (hash) and verifying the integrity of said program.

As per claims 13, and 20 As stated above Angelo's system operates to verify and authenticate programs by computing and comparing memory digests (hashes).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over BOCCON-GIBODCON-GIBOD US 2001/0016836 in view of Angelo US 5,944,821 in view of Reid US 5,844,575.

As per claim 3, Boccon-Gibod teaches a computer system comprising a compressor/decompressor (codec), [0025]. Boccon-Gibod teaches a codecs use of one or more functions (algorithms) in use with the codec, [0026]. Boccon-Gibod fails to teach an integrity agent that verifies the authenticity of the functions.

Angelo teaches a security system that verifies the authenticity of one or more functions (applications) utilized, (Col 4 lines 40-45).

The Boccon-Gibod-Angelo combination does not teach a function providing memory allocation.

Reid teaches a compressor using a function to provide memory allocation, (Col 11 lines 28-35).

It would have been obvious to one of ordinary skill in the art to use a memory allocation function of Reid with the Codec of Boccon-Gibod-Angelo because the Codec needs memory in order to function.

Rejection of all other claims can be found in the previous office action as stated below:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 4-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over BOCCON-GIBODCON-GIBOD US 2001/0016836 in view of Angelo US 5,944,821.

As per claims 1, and 7, Boccon-Gibod teaches a computer system comprising a compressor/decompressor (codec), [0025]. Boccon-Gibod fails to teach an integrity agent that verifies the authenticity of the functions.

Angelo teaches a security system that verifies the authenticity of one or more functions (applications) utilized, (Col 4 lines 40-45).

It would have been obvious to one of ordinary skill in the art to add the verification of Angelo to the computer system of Boccon-Gibod because the verification protects resources and guarantees trustworthiness, (Angelo Col 1 lines 20-33).

As per claims 2, and 8 Boccon-Gibod does not teach verification.

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Angelo teaches verifying only marked functions (applications),(Col 4 lines 48-50).

As per claim 9, Boccon-Gibod teaches that the functions are included in the system module, [0025].

As per claims 4, and 10, Boccon-Gibod does not teach a first verification voucher that describes integrity.

Angelo teaches receiving a first verification vouched describing integrity (generated hash), (Col 4 lines 59-60).

As per claims 5, and 11 Boccon-Gibod does not teach a second verification voucher that describes integrity.

Angelo teaches a second verification voucher, (stored hash) which describes integrity of the functions of the system, (Col 4 lines 60-63). Angelo teaches the vouchers are used to facilitate verification of the function specified, (Col 4 lines 63-66).

As per claims 6 and 12, Boccon-Gibod teaches that the system has a player application, [0026].

As per claims 13, and 20, Boccon-Gibod teaches receiving content at a codec, [0024]. Boccon-Gibod teaches calling a function of a system module to assist in decoding the digital content [0025]. Boccon-Gibod does not teach intercepting the function call and verifying the authenticity of the function.

Angelo teaches intercepting a function call (application call) and verifying the authenticity, (Col 4 lines 55-67, Col 5 lines 20-25).

It would have been obvious to one of ordinary skill in the art to add the verification of Angelo to the computer system of Boccon-Gibod because the verification protects resources and guarantees trustworthiness, (Angelo Col 1 lines 20-33).

As per claims 14 and 21, Boccon-Gibod does not teach authentication.

Angelo teaches using a digest of a memory image to verify components (applications) of a system, (Col 4 lines 55-67).

As per claims 15 and 22, Boccon-Gibod does not teach authentication.

Angelo teaches preventing playback (application start) of the content if the module is not authentic, (Col 5 lines 2-5).

As per claims 16, 18 and 23, Boccon-Gibod does not teach authentication.

Angelo teaches executing the function (application) if the module is authentic, (Col 4 lines 63-66).

As per claims 17, 19 and 24, Boccon-Gibod does not teach authentication.

Angelo teaches intercepting a function call (application call) to any and all marked functions or applications and verifying the authenticity, (Col 4 lines 55-67, Col 5 lines 20-25).

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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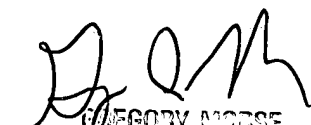
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

03/08/05



GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
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